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From: Eileen E. Falvey for  
Laura A. Coruzzi

Pages: 6 (including cover sheet)

Date: June 1, 2006

Application of: Brines et al.

Confirmation No.: 4714

Application No.: 09/547,220

Art Unit: 1647

Filed: April 11, 2000

Examiner: Regina M. DeBerry

For: MODULATION OF EXCITABLE  
TISSUE FUNCTION BY  
PERIPHERALLY ADMINISTERED  
ERYTHROPOETIN

Attorney Docket No.: 10165-006-999

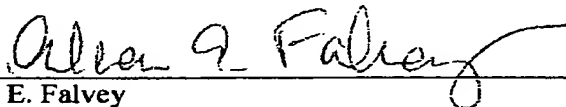
Message:

Transmitted herewith for filing in connection with the above-identified application is  
a SUBSTITUTE AMENDMENT UNDER 37 C.F.R. § 1.116.

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CERTIFICATION OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. 1.8(a)

I hereby certify that this paper is being filed with the United States Patent and Trademark  
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46,097  
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NYJD-1624868v1

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Brines et al. Confirmation No.: 4714  
Serial No.: 09/547,220 Art Unit: 1647  
Filed: April 11, 2000 Examiner: DeBerry, Regina M.  
For: Modulation of Excitable Tissue Attorney Docket No.: 10165-006-999  
Function by Peripherally  
Administered Erythropoietin

SUBSTITUTE AMENDMENT UNDER 37 C.F.R. § 1.116

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Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated February 22, 2006, Applicants respectfully request that the following Substitute Amendment under 37 C.F.R. § 1.116 and remarks herein be considered and entered in to the record of the above-captioned application.

It is believed that there is no fee required for filing this response. However, in the event that a fee is required, please charge Jones Day Deposit Account No. 50-3013.

**Amendments to the Claims** begin on page 2 of this paper.

**Remarks** begin on page 5 of this paper.

CERTIFICATION OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. 1.8(a)

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Eileen E. Falvey

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